

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 15, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
CITY ATTORNEY ROBERT J. SLYE**

The City Manager presented the following reports to Council:

- 1 - Designation of Official Newspaper
- 2 - Appointment of Commissioner of Deeds – City Employees
- 3 - Appointment of Commissioner of Deeds – Non-City Employees
- 4 - Approving Additions to the City of Watertown's Local Highway Inventory
- 5 - Authorizing Sale of Real Property, Known as 210-212 Academy Street to Watertown Development, LLC, 1115 Gotham Street, Watertown, New York 13601
- 6 - Authorizing Sale of Real Property, Known as 848 Anne Street to Randy Granger, 844 Anne Street, Watertown, New York 13601
- 7 - Authorizing Sale of Real Property, Known as 571 Arsenal Street to Michael Pistolese, 28913 State Route 126, Black River, New York 13612
- 8 - Authorizing Sale of Real Property, Known as 117 Exchange Street to Michael Pistolese, 28913 State Route 126, Black River, New York 13612
- 9 - Authorizing Sale of Real Property, Known as 200 Hazelhurst Avenue to Joseph Gerstenschlager, P.O. Box 6341, Watertown, New York 13601
- 10 - Authorizing Sale of Real Property, Known as VL-3 Marra Drive to Daniel and Kelly Daugherty, 1341 Marra Drive, Watertown, New York 13601
- 11 - Authorizing Sale of Real Property, Known as 218 Meadow Street South to Watertown Development, LLC, 1115 Gotham Street, Watertown, New York 13601
- 12 – Authorizing Sale of Portions of Real Property Known as 114 William Street to G. Carmen and H. Eliot Dickson, David Wilder, and Carl Farone
- 13 - Authorizing Lease and Service Agreement, Rural Transit System Backup and Spare Bus Program
- 14 - Approving Grant Agreement, Environmental Protection Fund, Thompson Park Conservancy, Eagle Exhibit Rehabilitation Project
- 15 - Approving the Energy Services Program Agreement Between the City of Watertown and the Power Authority of the State of New York (NYPA)
- 16 – Proposed County Tax Rate 2009
- 17 – Authorizing the Re-Adoption of the 2008-09 General Fund and Library Fund Budgets

- 18 - Re-Adoption of Fiscal Year 2008-09 through 2012-2013 Capital Budget
- 19 - Local Law No. 1 of 2009 – Setting a Public Hearing
- 20- Tabled Resolution - Approving the Special Use Permit Request Submitted By Paul Hinkle to Allow a Tattoo and Body Art Parlor at 223 J.B. Wise Place, Parcel No. 7-01-134
- 21- Tabled Resolution - Approving the Employee Assistance Program Agreement Between the City of Watertown and ESI Employee Assistance Group
- 22- Executive Session to discuss pending litigation.

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 1, 2008 and the adjourned meeting of December 8, 2008 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

Claim against the City was received from the Association for the Blind and Visually Impaired of Jefferson County, Inc. for damage to their property when a sewer line backed up.

From Ann Abbass asking the Board of Audit to reconsider her Claim against the City.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

T. Urling Walker, Ives Street, addressed the chair suggesting that if the City is going to consider a second sheet of ice, that they consider plans for installing a lane for curling. He explained that many people in the area have to travel to Canada to participate in the sport of curling. Additional ice with a lane and additional ice time would allow for the City to provide opportunities for curling in our own community.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED by the City Council of the City of Watertown, New York that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York for the year beginning January 1, 2009 and ending December 31, 2009.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Mayor Graham asked why legal notices couldn't just be posted on the City's webpage.

Attorney Slye advised that newspaper printed legal notices are in NYS law.

Mayor Graham asked how much these notices cost each year.

Mrs. Corriveau explained that it would be difficult to say as they are generated by each department. She also commented that the posting of these notices helps to keep the transparency in government.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2010:

CITY EMPLOYEES

Aher, Christopher R.
Alexander, Vanessa J.
Backus, Stephen R.
Badalato, Jason J.
Chartrand, Suzanne M.
Clark, Cheryl A.
Comins, Gary R.
Cummings, George A.
Cush, Christopher D.
Davis, Joshua W.
Derouin, Erika L.
Derrigo, Jr., Frank J.
Donoghue, Charles P.
McNitt, James P.
Donoghue, Sr., Joseph R.
Fuhrman, Cristin N.
Gatch, Ronald E.
Giaquinto, Joseph A.
Montrois, John E.
Maney, Michael S.
Connor, Maureen B.

Goss, Joseph J.
Keck, Peter C.
Koster, David W.
Kreun, Steven G.
LaBarge, Michael J.
Lamica, Mark A.
Lawlee, Dennis C.
Marchiony, Nicole J.
McConnell, Wayne W.
McLane, Eric J.
Meunier, Carolyn F.B.
Mills, James E.
Mullins, Jr., Michael J.
Neddo, Andrew Thomas
Noone, Kenny Clyde
O'Brien, Dennis P.
Oliveau, John V.
Purvis, Richard J.

Rafferty, William K.
Rawson, Patrick C.
Reff, Joseph C.
Romano, James A.
Russell, Jr., William R.
Ryan, Jr., Michael F.
Ryan, Shane M.
Schnettler, Jr, Howard C.
Spencer, Jr., James R.
Sutton, Mark W.
Thomas, Christopher L.
Trapp, Vance J.
Trottier, Holly M.
Whitmore, Roy E.
Wood, Richard C.
Yott, Darren
Zicari, Michael B.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED
WITH ALL VOTING YEA**

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2010:

Bonney, Christine D.
Dupell, Martha A.
Granger, Margaret
Guidry, Maurice
McClusky, Joanne M.
Rice, Vickie L.
Washer, Juanita L.
Walroth, Barbara A.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS each December, the City Engineering Department performs a review of our Local Highway Inventory and in early January submits their findings to the New York State Department of Transportation (NYSDOT), and

WHEREAS during this year's review, the City Engineering Department noticed that the streets within Thompson Park were not included in the inventory, and

WHEREAS the City of Watertown has and will continue to own and maintain the streets within Thompson Park,

NOW THEREFORE BE IT RESOLVED that the City of Watertown accepts maintenance and operational responsibility of the road segments within Thompson Park, a list and map of which are attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Engineer Kurt W. Hauk is hereby authorized and directed to amend the City's Local Highway Inventory to include said streets, and provide the amended inventory to NYSDOT for their consideration.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Mayor Graham asked about the names of the streets in the park and if they would become City streets.

Mr. Mix explained that the majority of names were selected from the names on the original plans

for the park. They have never been City streets and won't become so.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 210-212 Academy Street, approximately 72' x 166' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 11-03-113.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$1,000.00 submitted by Watertown Development LLC for the purchase of Parcel No. 11-03-113.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Watertown Development LLC upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a

certain lot of land known as 848 Anne Street, approximately 42' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 1-17-512.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$200.00 submitted by Randy Granger for the purchase of Parcel No. 1-17-512.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Randy Granger upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 571 Arsenal Street, approximately 90' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 9-01-120.000, and

WHEREAS title to said land has since been retained by the City of Watertown as

acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$18,000.00 submitted by Michael Pistolese for the purchase of Parcel No. 9-01-120.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Michael Pistolese upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 117 Exchange Street, approximately 66' x 75' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 9-01-119.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$2,000.00 submitted by Michael Pistolese for the purchase of Parcel No. 9-01-119.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Michael Pistolese upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 200 Hazelhurst Avenue, approximately 30' x 70' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 1-13-126.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Joseph Gerstenschlager for the purchase of Parcel No. 1-13-126.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Joseph Gerstenschlager upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL-3 Marra Drive, approximately .02 acres in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 14-17-307.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00

submitted by Daniel and Kelly Daugherty for the purchase of Parcel No. 14-17-307.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Daniel and Kelly Daugherty upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 218 Meadow Street South, approximately 93' x 180' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 9-01-203.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$900.00 submitted by Watertown Development LLC for the purchase of Parcel No. 9-01-203.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real

property to Watertown Development LLC upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 114 William Street, approximately 53' x 98' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-03-102.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offers of \$0.15 per square foot for the purchase of 1/3 each of Parcel No. 12-03-102.000, submitted by *G. Carmen and H. Eliot Dickson, David Wilder, and Carl Farone are fair and reasonable offers and the same are hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver Quit Claim Deeds of said real property to *G. Carmen and H. Eliot Dickson, David Wilder, and Carl Farone upon the buyers providing a subdivision plat, proof that the plat has been approved by the City Planning Board and receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deeds issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deeds of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

***MOTION WAS MADE BY COUNCIL MEMBER SMITH TO AMEND THE NAMES ON THE RESOLUTION TO READ AS FOLLOWS: DONALD J. WILDER, BARBARA WILDER AND DAVID WILDER (JOINTLY); GLENDA C. DICKSON; AND CARL E. FARONE**

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the New York State Department of Transportation has determined that small rural transit systems generally have fewer spare and back-up vehicles to rely on when their fleet experiences mechanical failures or their buses are out of service for extended periods of time, and

WHEREAS a new Federal Section 5311 Rural Transit System Program has been designed to assist rural transit providers by strategically locating backup and spare buses for use by small rural transit systems, and

WHEREAS the City of Watertown participates in said program by housing one of the backup and spare buses, and

WHEREAS Franklin County, who currently has an Agreement to use the spare bus, has notified NYSDOT of their desire to continue to lease the spare bus titled to the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Lease and Service Agreement for Spare Bus Program between the City of Watertown and Franklin County, a copy of which is attached and made a part of this resolution,

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown is hereby authorized and directed to execute said Lease and Service Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the Thompson Park Conservancy applied to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for an Eagle Exhibit Rehabilitation project in Thompson Park, a site located within the territorial jurisdiction of the City Council of the City of Watertown, and

WHEREAS the Thompson Park Conservancy has been awarded the grant and the State has forwarded the contract document for signature by the parties to the grant, and

WHEREAS as a requirement of the Grant the City of Watertown must, as the owner of the property, sign off as the Guarantor on the Contract,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby approves the Agreement among the Thompson Park Conservancy, the State of New York and the City of Watertown for a grant under the Environmental Protection Fund for the Eagle Exhibit Rehabilitation Project, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS, the City of Watertown is interested in power and energy conservation and production, and

WHEREAS, the New York Power Authority (NYPA) conducts facility and energy production audits, and

WHEREAS, a facility energy audit of all City buildings will identify potential projects and cost saving measures that may be feasible to the City of Watertown, and

WHEREAS, there is no cost associated with conducting an energy audit of City facilities, and

WHEREAS, the City of Watertown will be provided with a comprehensive report of all findings and feasible projects within the City along with cost estimates, payback periods and projected savings to the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby Approves the Energy Services Program Agreement Between the City of Watertown and the Power Authority of the State of New York (NYPA).

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Mary M. Corriveau, to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Smith referred to the agreement and the fact that there were no specific recommendations at looking at alternative energy. He asked if this was only for looking at windows, doors, etc. He asked where the specific language was concerning alternative energy.

Mr. White, Assistant to the City Manager, addressed the chair explaining that this is an all inclusive study and analysis of the City facilities. They will look at windows, but also the larger picture. This is merely an agreement to get started. As it progresses, recommendations will be made to Council.

Council Member Smith asked if we have to proceed to their design phase and also asked if they bid out and handle the work. He asked if the City is obligated to follow their implementation of design.

Mr. White explained that the implementation of design would be up to the City.

Council Member Smith asked if there was a time line for the final report.

Mr. White said that no time had been given to him.

Mrs. Corriveau comments that the time would be defined by the complexities of the projects that they look at.

Council Member Butler asked if a firm had been selected.

Mr. White responded that NYPA selects the firm.

Council Member Butler asked who the City contact would be.

Mrs. Corriveau explained that it would be a team approach. She explained that while the program will be run out of her office, there are many people on staff such as Mr. Cleaver, Mr. Hayes, and Mr. Hauk, as well as the Sewer and Water Chief Operators who will be involved.

Council Member Butler asked to be included in this process.

INTRODUCED BY MAYOR JEFFREY E. GRAHAM

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 12, 2008, certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2009 is \$6,824,152.16,

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of \$6,824,152.16, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$6,914,152.98 to be collected at a rate of \$6.822085 per \$1,000 of assessed valuation, which total of \$6,914,152.98 includes \$184,803.03 in omitted taxes and an amount of \$90,000 which provides an excess in the amount due the County, which excess is for the purpose of partially meeting the City's obligation to pay delinquent County taxes, to pay for property sold for delinquent County taxes, and to meet partially the expense of the City in carrying out the assessment and tax collection functions for the County tax.

THERE WAS NO SECOND TO THE RESOLUTION

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 2, 2008, the City Council passed a resolution adopting the Budget for Fiscal Year 2008-09, of which \$37,589,406 was appropriated for the General Fund and \$1,048,480 was appropriated for the Library Fund, and

WHEREAS during the ensuing months, decreases in projected sales tax revenues due to the national and state economic conditions has caused the City staff to propose modifications to its Fiscal Years 2008-09 General Fund and Library Fund operating budgets,

NOW THEREFORE BE IT RESOLVED that the General Fund be readopted in the amount of the ~~\$36,993,918~~, which is a reduction of ~~\$595,488~~ in Revenue and Appropriations, and
***\$37,048,618** ***\$540,788**

BE IT FURTHER RESOLVED that the Library Fund be readopted in the amount of the ~~\$1,020,980~~ which is a reduction of ~~\$27,500~~ in Revenue and Appropriations, and
***\$1,042,980** ***\$5,500**

BE IT FURTHER RESOLVED that in readopting the General Fund Budget and the Library Fund Budget, the City Council approves the Budget Detail of Changes in Revenues and Appropriations, which detail is attached and made a part of this resolution.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH

Prior to the vote on the foregoing resolution, Council Member Smith mentioned that he has concerns about changes to the library budget in eliminating the security system. He remarked

that it seems foolish to save a minimum amount of money to put the recent investment in the library at risk. He also commented that there has been no proposal to eliminate the contingency for raises. He stated that he thought Council should venture into considering cutting staff if we are cutting services. He stated that the cuts should be done with a holistic approach. He also stated that there should be salary freezes across the board.

Mayor Graham responded that the cuts in the budget were discussed at last week's work session as it was the desire of the City Manager and the Council to have a mid-course correction.

Council Member Smith also commented that many people watch Mr. Weed's filming of the meetings. He explained that in the past he has voted against the contract only because he felt that the City should purchase their own equipment. However, he stated that by cutting out the broadcasting, we are cutting out a great service for the residents of the City. He suggested cutting some of the capital budget items where the money hasn't been spent.

Mayor Graham responded that the issue of salaries is tough. The school district is proposing a 4% raise and the county is proposing a 3 ½% raise. He commented that if staff needs to be cut, that is something that can be considered in the spring, if the situation deteriorates. However, now we are trying to preserve services and staff. He also commented that he agrees that the broadcasting of meetings does provide a transparency of government. He commented that he wished that a television station would step forward to broadcast at no fee. He remarked that in other cities of comparable size, the cable station broadcasts the meetings. He also commented that he agreed that by dropping the security system, the City would be taking a chance.

Council Member Clough remarked that the City Manager had lengthy talks with all department heads. This is the first time we have ever attempted to look at the budget this early. He also commented that there is nothing to say that these cuts can't be reinstituted at a later date.

Mrs. Corriveau explained that not knowing where we are going to end up at this point, the City is not in a position to do deep cuts in staffing. She commented that she doesn't want to jump in to anything when she isn't sure of where we are going to be. She stated that she will have a better idea in January.

Council Member Burns asked if the City Manager had targeted the library's security system and if the library board was comfortable with cutting it.

Mrs. Corriveau responded that she did not speak with the library board. She stated that Mrs. Wheeler is concerned about security for the library. The Police Chief has additional patrols going through the library during evening hours. She also commented that if there are concerns at night, perhaps it might mean that the library isn't open during those hours.

Mayor Graham asked about amending the estimates on gas. He also asked about the overtime expenses and the fact that even if that budget is over, the Police would still respond.

Mrs. Corriveau explained that this would fall under supplemental appropriations.

Council Member Burns remarked that she agreed with Council Member Smith and Mayor Graham concerning the broadcasting of meetings. She remarked that while she does understand about not wanting to cut services or staff, we must realize the assets in the library. She stated that she has had concerns over security there. She stated that she does commend the City Manager for her effort in trying to cut the budget.

Council Member Smith remarked that he sounded the alarm many years ago about the need to look at the budget long before it was due. He stated that cutting the security system seems foolish when there is artwork there that is worth millions of dollars. He remarked that the City Manager has done a great job, but we have to be diligent about what we cut.

Council Member Burns remarked that she felt we should take the responsibility to protect the asset that was left to us. She also commented that we are obligated because the public has invested a lot of money in the library.

Council Member Butler remarked that this report was given to Council last week. It deserves more attention and discussion before a vote is taken on it. He stated that he agreed with comments made about the library's security system and the broadcasting of meetings. He stated that he is not prepared to vote on this tonight. He also questioned the cutting of the KVS ACH Module.

Mr. Mills explained that it would prevent ACH at this time.

Council Member Butler remarked that, to him, ACH is very important and should not be cut.

Council Member Smith suggested that perhaps the City should not give out contingencies to agencies and organizations. He stated that if we are looking at cuts, it should be done across the board.

Mayor Graham responded that he wouldn't want to make an argument for cutting CAPC.

Council Member Butler responded that if we will know more in the next few weeks, perhaps the vote on this should be taken at a later date. He remarked that he also has concerns about the surplus power estimate.

Council Member Clough remarked that it surprises him that Council spent two hours last week and there were no questions then.

Council Member Butler responded that there hadn't been time last week.

Mayor Graham remarked that last week he had indicated that Council could do the amendment process this week, if they desired. He also remarked that this resolution makes adjustments, not cuts.

Mrs. Corriveau responded that the resolution does make cuts. The over all budget would be reduced on both the expense and revenue sides.

Mayor Graham referred back to the library and asked about phase 1 and phase 2.

Mrs. Corriveau explained that phase 1 was in last year's budget. However, it hasn't been completed yet. Phase 2 is in this year's budget and has not been done.

Council Member Smith remarked that perhaps the Council should discuss the broader issues such as making the county whole.

Mrs. Corriveau explained that the amount the City has had to pay for that has gone down considerably over the years to about \$4,000 a year.

Attorney Slye answered questions about opting out of the program. He explained that while he doesn't know how quickly the county takes title, if the City opted out, they would never be able to come back in. He explained that the City has a Codes Department that can deal with property issues in regards to demolition or not. He also explained that if the City opted out, they wouldn't have the ability to make property available for Habitat or Neighbors of Watertown.

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO REMOVE THE REFERENCE TO THE LIBRARY SECURITY SYSTEM AND TO THE BROADCASTING OF MEETINGS FROM THE FY 2008-09 BUDGET DETAIL OF CHANGES IN REVENUES AND APPROPRIATIONS.

MOTION WAS SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING IN FAVOR THEREOF EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING NAY.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TABLE THE FOREGOING RESOLUTION.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING YEA.

Council Member Butler remarked that the City shouldn't abandon the ice study. He remarked that Watertown competes with other communities throughout the state and this could be an economic development issue and would help us get out of difficult economic times.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO REMOVE THE SECOND SHEET OF ICE STUDY AND ACH MODULE FROM THE LIST OF CUTS.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING YEA.

Council Member Smith asked about the contingency for salaries.

Mrs. Corriveau explained that not all salaries are in that account. She explained that if Council Member Smith wanted all salaries removed, she would need more time to calculate the numbers. She explained that in addition to the base salaries and fringes for some employees there are also funds for 457 for all employees. She also explained that the only salaries in the contingency account are for CSEA. She also remarked that their contract was not agreed upon and still is not in place. Mrs. Corriveau advised that she is still obligated to negotiate in good faith with the unions.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO REDUCE THE CONTINGENCY ACCOUNT BY 2%.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER.

Attorney Slye remarked that he is concerned about this Council dealing with CSEA pay issues for 2008-09 as this body may well end up in fact finding and prejudging could put them in a bad position.

INTRODUCTION OF MOTION WAS WITHDRAWN BY COUNCIL MEMBER SMITH

SECOND OF MOTION WAS WITHDRAWN BY COUNCIL MEMBER BUTLER.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING NAY

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 2, 2008 the City Council adopted the Fiscal Years 2008-09 through 2012-13 Capital Budget and on August 18, 2008 City Council re-adopted the capital plan to substitute the replacement of the Department of Public Works front end loader for the planned replacement of a single axle dump truck contained in the Capital Budget, and

WHEREAS during the ensuing months, decreases in projected sales tax and State Aid revenues due to the national and state economic conditions has caused the City staff to propose modifications to its Fiscal Years 2008-09 through 2012-13 Capital Budget, and

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2008-09 through 2012-13 Capital Budget is amended to include the modifications detailed on the attached Capital Budget Detail Sheet and Five Year Plan Sheets.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH

Council Member Butler remarked that this needs more analysis, evaluation and thorough

discussions before a vote is taken on this.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO TABLE THE FOREGOING RESOLUTION.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TAKE FROM THE TABLE THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY PAUL HINKLE TO ALLOW A TATTOO AND BODY ART PARLOR AT 223 J.B. WISE PLACE, PARCEL NO. 7-01-134”. Introduced on November 17, 2008; public hearing held on December 1, 2008; tabled; appears in its entirety on page of the 2008 Minutes Book).

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH A LL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND DEFEATED WITH ALL VOTING NAY

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TAKE FROM THE TABLE THE RESOLUTION “APPROVING THE EMPLOYEE ASSISTANCE PROGRAM AGREEMENT BETWEEN THE CITY OF WATERTOWN AND ESI EMPLOYEE ASSISTANCE GROUP”. Introduced on December 1, 2008; tabled; appears in its entirety on page 241 of the 2008 Minutes Book).

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the vote on the foregoing resolution, Council Member Smith remarked that he could not support the resolution due to the fiscal problems that we are looking at. He also remarked that there are several local agencies that could assist employees free of charge.

Council Member Burns agreed with Council Member Smith.

Council Member Butler remarked that the proposal of ESI is more than just assistance. It is also a tool for management to use.

Council Member Smith responded that they could refer to local agencies. He also commented that if the City was going to have an EAP, he would recommend staying with the existing company. It is less expensive, is local and could be used as a management tool.

Mrs. Corriveau remarked that the concern is knowing where to direct the employee. We are not always aware of the issues that they are dealing with and they are not compelled to tell us. She

also remarked that the employee needs to know that it is strictly confidential.

Council Member Smith suggested that the City should educate their employees about what services are available.

Council Member Butler responded that one proposal is very limited. But, the ESI proposal is very detailed and is the superior proposal.

Council Member Smith suggested that as an employer, the City should compile what exists in the community for assistance and promote it.

Mayor Graham remarked that he has a problem with approving an EAP.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION AND DEFEATED WITH COUNCIL MEMBERS BUTLER AND
CLOUGH VOTING YEA, AND COUNCIL MEMBERS BURNS, SMITH AND MAYOR
GRAHAM VOTING NAY**

LOCAL LAW NO. 1 OF 2009

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown owns and operates a Wastewater Treatment plant which is a regional facility with a population base of approximately 75,000 people, and

WHEREAS other than the wastewater from a single significant industrial user, loading on the facility is overwhelmingly domestic and commercial, and

WHEREAS the wastewater which is treated by the WTP is discharged to the Black River in accordance with the terms and conditions of a wastewater discharge permit that is issued by the New York State Department of Environmental Conservation, and one of the conditions of the permit is that the City abide by the Industrial Pretreatment Program (IPP) regulatory requirements that are promulgated by the United States Environmental Protection Agency (EPA), and

WHEREAS in 2004, the EPA conducted a routine audit of the City's Industrial Pretreatment Program and at the conclusion of the audit, which ultimately led to a March 2005 order that required the City to undertake sampling of wastewater being sent to the WTP and prepare a Headworks Analysis Report that would address the quality of the wastewater being delivered to the WTP for treatment, including hauled waste, the treatment capabilities of the WTP and the appropriateness of the City's current discharge limits to protect the WTP and the quality of the treated wastewater being discharged into the Black River, and

WHEREAS a second order dated May 2007, set forth the procedures that the City needed to follow in order to ensure that its WTP was only accepting hauled waste that it could properly treat. This order also required that the City provide to EPA a proposed modification to the City's

existing code on the use of sewers (Chapter 253) (that is, its Sewer Use Law), which would incorporate changes to the WTP's procedures for the acceptance of hauled waste, and

WHEREAS on April 23, 2008, the City submitted to EPA its proposed IPP modification and SOPs and by letter dated May 12, 2008, the EPA advised that it found the City's proposed modification to its IPP to be "approvable" and identified the administrative process that needed to be followed by the City for EPA's formal approval of the IPP Modification under 40 CFR § 403.11 and 40 CFR § 403.18., and

WHEREAS the City issued an EPA-approved Public Notice on October 17, 2008, which referenced the City's application to EPA to modify its Industrial Pretreatment Program (IPP), identified where copies of the proposed IPP Modification were available for review and provided for a 30-day public comment period on the proposed IPP Modification, and

WHEREAS the City received no comments on its proposed IPP modifications, and

WHEREAS this Local Law incorporates the IPP Modifications into the Code of the City of Watertown and a copy of this Local Law has been provided to EPA and DEC for their review and approval, and such approval has been received,

NOW BE IT ENACTED that §253-3. Definitions., of the Code of the City of Watertown is hereby amended to add the following:

CODE - The City's municipal code at Chapter 253, entitled "Sewers."

TRUCKED OR HAULED POLLUTANTS (also known as HAULED WASTE) - Any water and/or waste which has been removed and transported from any pit, sump, holding tank, septic tank, wastewater treatment facility or industrial facility. A person seeking to discharge hauled waste that originates at a facility that it owns or operates shall be referred to as a "generator" and a person that transports the hauled waste to the City Wastewater Treatment Plant for discharge shall be referred to as a "hauler."

WASTEWATER TREATMENT PLANT – the City Wastewater Pollution Control Plant located at 700 William T. Field Drive, Watertown, New York,

and

BE IT FURTHER ENACTED that §253-3. Definitions is hereby modified to read as follows

SANITARY WASTE — non-process wash water, culinary wastes, the liquid waste containing only human excreta and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory or institution.

and

BE IT FURTHER ENACTED that §253-5, D (13) is modified at read as follows:

No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the City of Watertown sewage treatment plant.

and

BE IT FURTHER ENACTED that §253-5, I is hereby modified to read as follows:

The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million by weight or containing more than 350 parts per million by weight of suspended solids or containing more than 15 parts per million of chlorine demand or containing any quantity of substances having the characteristics above the previously described limits or having an average daily flow greater than 2% of the average daily sewage flow of the City shall be subject to the review and approval of the City Engineer. Where necessary, in the opinion of the City Engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight or reduce the chlorine demand to 15 parts per million or reduce objectionable characteristics or constituents to within the maximum limits, provided for in Subsection D of this section, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Engineer, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

and

BE IT FURTHER ENACTED that the existing § 253-28. Holding tank waste is hereby deleted and replaced with the following:

§ 253-28. Trucked or Hauled Pollutants (also known as Hauled Waste).

A. (1) Only generators and haulers who have obtained a permit from the City shall be allowed to discharge trucked or hauled pollutants at the Wastewater Treatment Plant. The terms and conditions of the foregoing permits shall reflect the Standard Operating Procedure for acceptance of hauled waste at the City's Wastewater Treatment Plant that has been approved by the United States Environmental Protection Agency. Except as modified herein, the limitations referenced in § 253-68 shall also apply to the discharge of hauled waste at the Wastewater Treatment Plant.

(2) Notwithstanding anything in this section to the contrary, a generator of hauled waste that is considered “holding tank waste” as defined in § 253-23.B shall be allowed to discharge at the Wastewater Treatment Plant provided (a) it uses a hauler who has been permitted under this section and 6 NYCRR Part 364 and (b) it seeks to discharge only holding tank waste that can be accepted at the Wastewater Treatment Plant in compliance with all applicable federal, state and local laws, rules, ordinances and regulations, including requirements associated with the SPDES permit held by the City for the discharge of treated wastewater from the Treatment Plant (“Applicable Law”). Although no separate generator’s permit shall be required for the discharge of holding tank waste, the generator of such waste shall be responsible, in addition to the hauler, for offering for discharge only holding tank waste that can be accepted at the Wastewater Treatment Plant in accordance with Applicable Law.

B. Hauled waste with analytical sample data meeting the Hauled Waste Effluent Limitations set forth in § 253-28 (total) and Holding Tank Waste authorized for discharge under the Code shall be discharged either at the Tanker Dump Port at Influent A Headworks or the Gravity Thickeners depending upon the % solids in the hauled waste. The discharge points and guidance for placement of the hauled waste based on % solids are shown on the City of Watertown POTW Wastewater Flow Diagram, a copy of which is attached.

C. Should analyses indicate that the hauled waste contains materials that would exceed any of the “24-hour Allowable Effluent Concentration” limits listed at § 253-29 (that is, the “Hauled Waste Effluent Limitations”), the tanker will not be allowed to discharge at the headworks of the Wastewater Treatment Plant.

D. Should analyses (total) indicate that the hauled waste contains metals that would exceed any of the Hauled Waste Effluent Limitations, but the dissolved component of the elevated analyte(s) would not, the tanker may discharge the hauled waste either before or after the gravity thickeners on the sludge handling side of the Wastewater Treatment Plant as shown on the City of Watertown POTW Wastewater Flow Diagram, a copy of which is attached. For the purposes of this section, the “dissolved component” of the analyte is defined as the concentration of analyte in an aqueous sample that will pass through a 0.45 µm membrane filter assembly prior to sample acidification.

E. Hauled waste that does not qualify for discharge under either § 253-28.B or § 253-28.C is prohibited from being discharged at the Wastewater Treatment Plant until such time that it can be demonstrated through analytical results that the characteristics of the hauled waste have been modified by pretreatment or process or material change so as to qualify for discharge under § 253-28.

F. (1) At a frequency of no less than once per calendar year, a representative sample randomly selected by the City that has been taken from each of the trucked or hauled loads originating from a permitted generator delivered to the Wastewater Treatment Plant shall be submitted by the City for additional analysis at the hauler's

expense to confirm that the hauled waste meets all the conditions of the applicable permit(s).

(2) In the event that testing of the hauled waste indicates that its discharge at the Wastewater Treatment Plant would violate a term of a generator's or hauler's permit, the Control Authority:

(a) shall withhold permission to discharge the hauled waste being tested until it receives the results of testing and/or other documentation, showing that the proposed discharge will meet all the conditions of the applicable permit(s); and

(b) may, in addition to any other remedies available under Applicable Law, revoke the permit(s) to discharge the hauled waste to the Wastewater Treatment Plant.

(3) The hauler and the generator of the hauled waste shall be jointly and severally responsible to reimburse the City for any damages that the City incurs for a discharge of hauled waste that violates the conditions of a permit authorizing the discharge at the Wastewater Treatment Plant.

G. Fees for the acceptance of hauled waste for treatment at the Wastewater Treatment Plant shall be as follows:

(1) Three and one-half cents (\$0.035) per gallon for hauled waste less than or equal to 5.6% solids by weight.

(2) For all leachate: two and one-half cents (\$0.025) per gallon.

(3) Seven and one-half cents (\$0.075) per pound (dry weight) for hauled waste over 5.6% solids by weight.

(4) Minimum charge of \$25 per delivery.

H. The fees for the following permits shall be as follows:

(1) Generator Permit: \$ 250 for every twelve (12) consecutive month period (the "Term")

(2) Hauler Permit: \$ 250 per Term

The payment for the first Term shall be due and payable at the time of permit application and payment for subsequent Terms shall be due and payable thirty (30) days prior to the end of the prior Term. At the discretion of the Control Authority, the fee for a hauler's permit may be waived if the applicant for the hauler's permit (a) has, or will have, prior to

discharge of the hauled waste, a valid generator permit that covers the waste that is the subject of the hauler's permit application; and (b) is not in arrears for payment of the applicable generator permit fee.

and

BE IT FURTHER ENACTED that § 253-29. Effluent limitations and concentrations is modified to delete any references to iron and manganese from the list of pollutants, and to correct the spelling of "Irichlosoethylene to read "Trichloroethylene" and 1,1,1 trichloroethylene to read "1,1,1-Trichloroethane."

BE IT FURTHER ENACTED that §253-51B. Leachate fees., and § 253-79. Control of tanker-hauled sewage, septage, and slurries to the City's Wastewater Treatment Facility., are hereby deleted.

BE IT FURTHER ENACTED that this Local Law shall take effect upon filing with the Secretary of State.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON LOCAL LAW NO.1 OF 2009 FOR MONDAY, JANUARY 5, 2009 AT 7:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 8:42 p.m.

Council reconvened at 8:54 p.m.

The following resolution was presented to the Council:

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS certain premises owned by Ives Hill Retirement Community, Inc. in the City of Watertown at 1200 Jewell Drive and also known as Parcel No 14-49-101.004 on the Assessment Roll and Map of the city, are assessed upon the Assessment Roll and Map of the City is assessed for the payment of taxes during tax year 2006 at \$4,169,800.00; and

WHEREAS the assessment on the subject property trended to \$4,878,700.00 for tax years 2007 and 2008; and

WHEREAS Petitioner duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Review of the City for the tax years 2006, 2007 and 2008 in respect to the subject property; and

WHEREAS the parties have exchanged appraisals and have conditionally agreed that the assessment on the subject property shall be reduced to \$3,800,000.00 for tax assessment roll years 2006, 2007, and 2008, all in accordance with the City's appraisal with the rebates/refunds; and the assessment shall be set at \$3,800,000.00 for tax assessment roll years 2009 through and including 2011; and

WHEREAS the parties have agreed that said assessment for tax roll year 2002 has been determined and fixed in the amount of \$8,719,600.00 on the plaza and \$12,000.00 on the vacant land, and

WHEREAS the parties have agreed that said assessment for tax roll year 2003 has been determined and fixed in the amount of \$8,819,600.00 on the plaza and \$12,000.00 on the vacant land, and

WHEREAS IN CONSIDERATION OF THE City setting the assessment on the subject property as set forth above, Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provisions of law for tax year 2009 through and including 2011 on the same property, except as authorized by RPTL Section 272; and

WHEREAS the City reserves the right to adjust the assessment on the subject property as authorized by RPTL Section 272; and

WHEREAS the compromise and settlement of the aforesaid proceedings on the above basis is deemed in the best interest of the Respondents;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City Attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and Order discontinuing the aforesaid proceedings with counsel for the Petitioner on the following terms and conditions:

1. That the total assessment for the aforesaid premises located at 1200 Jewell Drive, Tax Parcel NO. 14-49-101.004 shall be set at \$3,800,000.00 effective tax assessment roll years 2006, 2007 and 2008, and so adjusted be finally fixed and determined and that the assessment roll be corrected as required.
2. That the total assessment for the subject property shall be set, adjusted and finally fixed at \$3,800,000.00 for assessment roll years 2009, 2010 and 2011.
3. That Respondents shall refund, without interest, excess taxes paid by Petitioners based upon the 2006, 2007 and 2008 Assessment Rolls above the \$3,800,000.00 assessment as their respective shares might dictate.

4. That the above adjustments are made in consideration of the Petitioner's agreement not to commence or continue tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provision of law for tax years 2009, 2010 and 2011 so long as the respective assessments are so fixed, except as authorized by RPTL 727.
5. That the City reserves the right to adjust the assessment on the subject property as authorized by RPTL Section 727 for assessment roll years 2009, 2010 and 2011.
6. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessments without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents, or employees be and they hereby are directed to do such acts and things that may be necessary to give full force and effect to the aforesaid settlement; and

BE IT FURTHER RESOLVED this Resolution shall take effect immediately.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER WHO RECUSED HIMSELF.

RULES WAIVED BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF EXCEPT COUNCIL MEMBER BUTLER WHO RECUSED HIMSELF.

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CITY COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Downtown Streetscape Project

Council Member Burns discussed the positive comments she has received from the public about the newly completed Public Square project and the holiday decorations.

Downtown Street Lights

Mayor Graham raised concerns regarding the new ornamental street lights installed in Public Square. Mrs. Corriveau advised that she has discussed the issue with National Grid and her staff.

Flower Memorial Library Fine Arts

Council Member Smith raised concerns that the Library Board is once again in discussions regarding ownership of the fine arts, to determine who has the authority to sell the art. Mayor

Graham also expressed concern about this matter.

NY Post Article

Mayor Graham gave members of the Council copies of a NY Post article regarding legislative changes Attorney General Andrew Cuomo is considering to assist communities that are looking at consolidation.

Steve Weed Contract

Mayor Graham asked that staff move forward with negotiating a new contract with Mr. Weed for broadcasting services.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:05 P.M.
BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL
MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk

